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Chairman: Mr. Wolfe ..... (Jamaica)

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(e) Convention on the Rights of Persons with Disabilities (*continued*)

(f) Celebration of the sixtieth anniversary of the Universal Declaration of Human Rights (*continued*)

The meeting was called to order at 3.15 p.m.

Agenda item 70: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/62/183, A/62/207, A/62/212, A/62/214, A/62/218, A/62/222, A/62/225, A/62/227, A/62/254, A/62/255, A/62/265, A/62/280, A/62/286, A/62/287-289, A/62/293, A/62/298, A/62/304 and A/62/317; A/C.3/62/3)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/62/213, A/62/223, A/62/263, A/62/264, A/62/275, A/62/313, A/62/318, A/62/354 and A/62/498; A/C.3/62/41)

(e) Convention on the Rights of Persons with Disabilities (*continued*) (A/62/230)

1. **Mr. Pascoe** (Under-Secretary-General for Political Affairs), introducing the report of the Secretary-General on the situation of human rights in Myanmar (A/62/498), said that it was based on the good offices mandate of Mr. Gambari, Special Envoy of the Secretary-General for Myanmar. The sudden decision of the Government on 19 August 2007 to raise fuel prices had triggered demonstrations which had at first been peaceful. Reports indicated that the Government had used lethal force to disperse the protesters. The number of casualties suggested excessive use of force and violence by the security forces. Shocked, the Secretary-General had been among the first to react and had called for restraint and dialogue, a call that had been joined by the United Nations High Commissioner for Human Rights and the Special Rapporteur on the situation of human rights in Myanmar.

2. The situation in Myanmar remained of serious concern in the light of continuing reports of abuses by security and non-uniformed personnel, particularly at night during the curfew, in the form of raids on private homes, beatings, arbitrary arrests, and disappearances. Dispatched to the area on 26 September, the Special Envoy, speaking on behalf of the Secretary-General, had expressed the international community's deep concern in the strongest possible terms. The Human Rights Council and the Security Council had officially deplored those acts of repression, the former in a resolution and the latter in a presidential statement, and had called for a return to genuine dialogue among the parties. The Government of Myanmar had since lifted the curfew, released 2,677 persons arrested during the demonstrations, appointed the Minister of Labour as liaison officer to facilitate communication between the authorities and Daw Aung San Suu Kyi and announced that it would welcome a further visit from the Special Rapporteur and the Special Envoy. The latter had conveyed messages between the senior leadership and Daw Aung San Suu Kyi, who had since met the Minister of Labour. The Secretary-General, like the international community, believed that a return to the status quo ante was no longer an option or sustainable and had therefore requested the Special Envoy to return to the region and to Myanmar in particular. Expressing satisfaction at the support of leaders in the region and the entire international community for the good offices efforts of the United Nations, which were based on guiding principles outlined in the report, he said that those efforts now focused on three objectives: (a) to follow up implementation of the immediate steps recommended to the Government to de-escalate the crisis; (b) to facilitate the implementation of the recommendations made to the Government to pursue an inclusive, participatory and transparent national reconciliation process; and (c) to facilitate the implementation of the recommendations made to the Government to address the socio-economic and humanitarian factors underlying the crisis. Responsibility for the future of Myanmar rested with the Government and people of Myanmar, and the world was watching closely to see how that responsibility would be exercised in the interest of all the people. The Secretary-General would spare no effort to achieve peace and prosperity in Myanmar, and the United Nations counted on the continued support of the international community for efforts towards national reconciliation, the transition to democracy and full respect for human rights. A renewed mandate from the General Assembly for the Secretary-General's good offices would enhance the initiative under way; the more united the international community, the better the prospects for arriving at the shared goals of peace, democracy and prosperity for Myanmar.

3. **Mr. Swe** (Myanmar) expressed surprise that the Under-Secretary-General for Political Affairs should introduce to the Committee a report that deliberately pointed a finger at Myanmar regarding its human rights

situation. The Committee's deliberations must be pragmatic and constructive, since cooperation, not politicization, was the best means of promoting and protecting human rights. He welcomed the firm recognition that responsibility for the future of Myanmar rested with its Government and its people. The authorities had proceeded with the seven-step road map to democracy. The curfew had been totally lifted; some 2,700 demonstrators detained briefly during the demonstrations had been released; a minister had been appointed to liaise with Daw Aung Sun Suu Kyi, whom he had met on 25 October; a 54-member committee had been appointed to draw up a new Constitution; and the Government had agreed to the visit of the two United Nations emissaries. He drew attention to his country's cooperation with the International Labour Office on the establishment of a mechanism to address forced labour, to its fight against narcotic drugs and to his Government's greater openness to United Nations actors, all of which had been acknowledged in the report of the Secretary-General. In response to remarks made earlier, he conceded that the events in Myanmar had been tragic; but what had started out as a small demonstration over the rise in fuel prices had been taken over by activists and rabble-rousers. The security forces had not intervened for a whole month, and then only when peace and security had been threatened. The international community could best assist Myanmar by giving it encouragement and recognizing its efforts.

4. **Mr. Martins** (Portugal), speaking on behalf of the European Union, said that it would be submitting a draft resolution on Myanmar and would like to know what stage had been reached in the dialogue process, what the results had been thus far, what was the main purpose of the Special Envoy's next mission and how the Special Rapporteur, entrusted with the task of assessing the human rights situation in Myanmar, and the Special Envoy, performing a good offices mandate, coordinated their work.

5. **Mr. Faati** (Gambia) said he had thought that the Under-Secretary-General was going to introduce a report on democratization, not a report focusing on Myanmar. He would like to know what the Office of the Under-Secretary-General for Political Affairs was doing, in terms of good offices, to promote democracy in other parts of the world.

6. **Mr. Ashiki** (Japan) said that his country supported the good offices efforts of the Secretary-General and his Special Envoy and regretted that the Government of Myanmar had chosen to use force against peaceful demonstrators, leading to casualties that included the death of a Japanese citizen. However, he noted with pleasure that Mr. Gambari and Mr. Pinheiro had been invited to travel to Myanmar in November. Mr. Gambari's recent visit to Tokyo had been quite productive. He hoped that Myanmar would accept with sincerity the resolution adopted by consensus by the Human Rights Council during its fifth special session and the statement by the President of the Security Council issued on 11 October 2007 (S/PRST/2007/37). Japan was more committed than ever to cooperating with the United Nations and with Myanmar to improve the human rights situation and to facilitate democratization and national reconciliation. His delegation would like to know how the Secretariat assessed Myanmar's response thus far to the good offices efforts of the United Nations and what the future priorities for those efforts were.

7. **Mr. Rees** (United States of America) was pleased that, in the absence of the Special Envoy, the Under-Secretary-General for Political Affairs himself had introduced the report, particularly given the compelling nature of the subject.

8. **Mr. Khane** (Secretary of the Committee) recalled that the Under-Secretary-General for Political Affairs had introduced the report of the Secretary-General on democratization (A/62/293) on 21 October 2007 and delegations had had the opportunity at that time to engage in a question-and-answer session with the Under-Secretary-General. The purpose of the Under-Secretary-General's appearance at the current meeting was strictly to introduce the report on the human rights situation in Myanmar and engage in a question-and-answer session on it.

9. **Mr. Faati** (Gambia) pointed out that the *Journal* indicated only that the Under-Secretary-General would make an introductory statement. It did not specify that it would be about Myanmar. He was understandably surprised at the appearance of the Under-Secretary-General for Political Affairs before the Third Committee. His coming to introduce a report on Myanmar was beside the point. His delegation wished to have a reply from the Under-Secretary-General himself.

10 **Mr. Pascoe** (Under-Secretary-General for Political Affairs) explained that Mr. Gambari was currently in the Myanmar region. Out of respect for the

Committee, it had been decided to proceed with the introduction of the report, given the importance of the topic and the need to adhere to the Committee's programme of work. Responding to the questions raised by Committee members, he said that the process under way in Myanmar was still in the early stages and that the crackdown in the streets was still going on, whence the need for the Special Envoy to be present in the country in order to try to defuse the tensions and re-establish the dialogue between the leadership and Daw Aung San Suu Kyi. It was not clear how long he would be there or whom he would be talking to. His objectives were to find out what the situation was on the ground, to ensure that detained persons were being released and to engage with as many stakeholders as possible. With regard to the coordination between the Special Envoy and the Special Rapporteur, he said that each was working to carry out the mandate entrusted to him. The issue of democratization, and particularly the elections aspect of it, had been discussed at an earlier meeting, and his Office was always available if anyone had issues that they wished to discuss. Replying to the question from the representative of Japan, he said that the situation was encouraging in his view, given the positive steps taken by the authorities of Myanmar. It was to be hoped that there would be a real dialogue among the various parties that would lead to prosperity, democracy and respect for human rights in Myanmar.

11. **Mr. Faati** (Gambia) said that too much emphasis had been placed on the objectives of Mr. Gambari and not enough on those of the United Nations. He was not convinced by the answers of the Under-Secretary-General, who should conduct such briefings in the appropriate forums, not in the Third Committee.

12. **Mr. Swe** (Myanmar) said that he would have liked to see the Under-Secretary-General address all the items on the agenda rather than focus his remarks solely on Myanmar. He wished to point out several fallacies, notably the assertion that there was a continuing crackdown on the people in Myanmar. He emphasized that the situation had returned to normal, that the Government had lifted the curfew and that people were going about their daily lives. All possible pragmatic measures were being taken to put the country back on the road to democracy and development, which was the deepest wish of the people of Myanmar.

13. **Mr. Khane** (Secretary of the Committee) wished to clarify that the introduction of the report of the Secretary-General on the situation of human rights in Myanmar (A/62/498) had been announced at both the meetings held on Friday, 26 October 2007, and that the report had been prepared under the overall authority of the Department of Political Affairs, which explained why its introduction by the Under-Secretary-General for Political Affairs had been appropriate. In accordance with General Assembly resolution 58/316, the Secretary-General had the latitude to have his reports introduced in any of the Main Committees.

14. **Mr. Pascoe** (Under-Secretary-General for Political Affairs) underscored the importance of the issue.

Agenda item 62: Social development (*continued*)

(b) Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*)

Draft resolution A/C.3/62/L.7: Policies and programmes involving youth: youth in the global economy

15. **Ms. Sow** (Senegal), introducing draft resolution A/C.3/62/L.7 on behalf of the sponsors, noted that more than 2 million youth in the world lived on less than one dollar a day, and the vast majority of them lived in developing countries. Close to 50 per cent of new HIV/AIDS infections occurred among youth. The youth of today would be the adults of tomorrow, and they deserved more attention and more consideration as they were increasingly vulnerable, did not receive a quality education and suffered discrimination and violence. The elimination of poverty required effective and lasting solutions to the many problems of youth, who should be involved in all decisions. The sponsors of the draft resolution, convinced that it was essential to take action to improve the living conditions of all youth, hoped that the resolution would be adopted by consensus, as in the past. She noted that the following countries had become sponsors: Albania, Austria, Belgium, Bulgaria, Côte d'Ivoire, Cyprus, Czech Republic, Democratic Republic of the Congo, Estonia, Guatemala, Hungary, Ireland, Italy, Jordan, Lithuania, Luxembourg, Mali, Netherlands, Niger, Portugal, Romania, Sierra Leone, the former Yugoslav Republic of Macedonia and Turkey.

16. **Mr. Khane** (Secretary of the Committee) announced that the following countries had become

sponsors of the draft resolution: Angola, Benin, Botswana, Cameroon, Cape Verde, Congo, Eritrea, Georgia, Guinea, Iraq, Italy, Lesotho, Malawi, Norway, Panama, Peru, Poland, San Marino, Slovakia, Swaziland, Uganda and United Republic of Tanzania.

17. **Mr. Jokinen** (Finland) said that Finland wished to become a sponsor of draft resolution A/C.3/62/L.9, which had been adopted at the Committee's 25th meeting on 25 October 2007.

Agenda item 63: Advancement of women (*continued*)

(a) Advancement of women (*continued*) (A/C.3/63/L.19)

Draft resolution A/C.3/62/L.19: Improvement of the situation of women in rural areas

18. **Mr. Sodnom** (Mongolia) introduced draft resolution A/C.3/62/L.19 and announced that China, Ghana, Guatemala, Mexico, Panama and the former Yugoslav Republic of Macedonia had joined the sponsors. Major conferences and summit meetings organized by the United Nations regarded the empowerment of women as an effective way to combat poverty, hunger and disease. Globalization presented persons living in rural areas with challenges. General Assembly resolution 60/138 had invited all Member States to encourage the remunerative non-agricultural employment of rural women, to improve their working conditions and to ensure their increased access to productive resources. A combination of traditional skills, such as handicrafts, and new skills, together with the development of new sectors of activities, such as tourism, widened rural women's access to employment opportunities and helped to alleviate poverty. It was also necessary to facilitate rural women's access to information and communication technologies in order to enable them to play a more active role in socio-economic development and to bridge the digital divide. Rural women made up more than a quarter of the world population but, although they produced more than half of the world's food, owned only 2 per cent of its land. In order to emphasize the part played by rural women in the world economy, a number of bodies had proposed that World Rural Women's Day should be celebrated every year on 15 October. He hoped that the draft resolution would be adopted by consensus.

19. **Mr. Khane** (Secretary of the Committee) announced that Argentina, Benin, Cameroon, Congo, the Dominican Republic, Ethiopia, Guinea, Haiti, Honduras, Jamaica, Kenya, Lesotho, Malawi, Nicaragua, Nigeria, Paraguay, Senegal, Sierra Leone, Sri Lanka and Uganda had joined the sponsors.

Agenda item 66: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*) (A/C.3/62/L.23)

Draft resolution A/C.3/62/L.23): The girl child

20. **Ms. Kondolo** (Zambia), introducing draft resolution A/C.3/62/L.23 on behalf of the 14 members of the South African Development Community, said that it was a biennial draft resolution and that Cameroon, Chile, Côte d'Ivoire, Cuba, Ghana, Panama, Senegal, Switzerland and Uzbekistan had become sponsors. The text had been updated, streamlined and strengthened to take account of new developments. It addressed most of the issues affecting the girl child, and it highlighted the needs of the girl child in the areas of education, health and development. The draft text also stressed the need to protect the girl child against all forms of exploitation, abuse, discrimination and violence. It sought to heighten the international community's awareness of the girl child's vulnerability and called upon it to improve the situation of girl children living in poverty and to promote their rights. There were ongoing negotiations on the text, which, she hoped, would be adopted by consensus.

21. **Mr. Khane** (Secretary of the Committee) announced that Andorra, Argentina, Benin, Brazil, Cape Verde, Congo, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Kenya, Mali, Mexico, Namibia, Nicaragua, Nigeria and Paraguay had joined the sponsors.

Agenda item 70: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/62/L.25-L.27)

Draft resolution A/C.3/62/L.25: International Covenants on Human Rights

22. **Ms. Schlyter** (Sweden) introduced draft resolution A/C.3/62/L.25 on behalf of the Nordic countries and the sponsors. Having referred to the contents of the second and third preambular paragraphs of the text, she explained that the draft resolution was

biennial, the previous resolution on the subject having been adopted in 2005. Since then, the fortieth anniversary of the adoption of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights had been celebrated. The number of States parties to the two Covenants was steadily growing; since 2005, six States had acceded to each of the Covenants, bringing the number of States parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to 157 and 160 respectively. During the same period, one State had ratified the Optional Protocol to the International Covenant on Civil and Political Rights and two States had ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The draft text was very similar to that of the 2005 resolution. Its main focus was on stressing how important it was that States should accede to the Covenants and the two Optional Protocols and apply their provisions. The text had been streamlined, and a few paragraphs which were no longer relevant had been deleted. Paragraphs 8, 9 and 21 had been updated. The treaty-monitoring bodies' endeavours to improve the efficiency of their working methods and to ensure that States fulfilled their reporting obligations on time were mentioned in paragraph 10. Fifty-two States were already sponsoring the draft resolution, which, she hoped, would receive the support of yet other delegations and would be adopted by consensus.

23. **Mr. Khane** (Secretary of the Committee) announced that Angola, Benin, Cape Verde, the Dominican Republic, Greece, Lithuania, Montenegro, Nicaragua and Ukraine had joined the sponsors.

Draft resolution A/C.3/62/L.26: Torture and other cruel, inhuman or degrading treatment or punishment

24. **Ms. Wandel** (Denmark) introduced draft resolution A/C.3/62/L.26 on behalf of the sponsors, which had been joined by Albania, Greece, Italy, Panama, Paraguay, San Marino, Slovakia and Slovenia. The final version would be circulated as soon as the current negotiations were completed. After drawing attention to the contents of the second preambular paragraph and paragraph 1 of the text, she said that it addressed a number of fundamental issues of crucial importance for the prevention and elimination of all acts of torture and other cruel, inhuman or degrading treatment or punishment, and it emphasized States' obligations under international law, especially the principle of non-refoulement. It highlighted the work done by the Committee against Torture and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and it commended non-governmental organizations on their persistent efforts in combating torture. The draft resolution also mentioned the entry into force of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the establishment of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the adoption in December 2006 of the International Convention for the Protection of All Persons from Enforced Disappearance. She thanked delegations for their constructive cooperation in drawing up the draft text, and she drew attention to the fact that, although the Member States of the Organization were united in their firm condemnation of torture and other cruel, inhuman or degrading treatment or punishment, their commitment was not always translated into positive improvements on the ground. There were regular reports of violations committed in secret which left the victims with little hope of obtaining protection or redress. She hoped that the draft resolution, which constituted a further tool in the global fight against such practices, would be supported by many delegations.

25. **Mr. Khane** (Secretary of the Committee) announced that Armenia, Benin, Cape Verde, the Dominican Republic, Ecuador, Georgia, Lithuania, Moldova, Nicaragua and Ukraine had joined the sponsors.

Amendment (A/C.3/62/L.27) to draft resolution A/C.3/62/L.26: Torture and other cruel, inhuman or degrading treatment or punishment

26. **Ms. Kolontai** (Belarus) introduced an amendment to draft resolution A/C.3/62/L.26 that was aimed at drawing attention to the potential danger of trying to define torture in more restrictive terms than those used in the opening article of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. She urged Member States to support the amendment.

(f) Celebration of the sixtieth anniversary of the Universal Declaration of Human Rights (*continued*) (A/C.3/62/L.28)

Draft resolution A/C.3/62/L.28: International Year of Human Rights Learning

27. **Mr. Babadoudou** (Benin) introduced draft resolution A/C.3/62/L.28 on behalf of the Group of African States and Argentina. He explained that the draft resolution was a procedural one, as the sponsors considered that the sixtieth anniversary of the Universal Declaration of Human Rights should serve as an occasion for the international community to expedite measures to promote the effective realization of all human rights. In order for everyone to be aware of all their rights, the year commencing on 10 December 2008 would be proclaimed the International Year of Human Rights Learning. The text also stipulated that a meeting should be held at the sixty-fourth session of the General Assembly to review activities of Member States in the context of the International Year. He hoped that the draft resolution would receive the support of all delegations.

28. **Mr. Khane** (Secretary of the Committee) asked for confirmation of the date mentioned in paragraph 1 of the draft resolution.

29. **Mr. Babadoudou** (Benin) confirmed that there was a technical error in the text and that the date should read "10 December 2008". A correction would be sent to the Committee secretariat.

Agenda item 70: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/62/183, A/62/207, A/62/212, A/62/214, A/62/218, A/62/222, A/62/225, A/62/227, A/62/254, A/62/255, A/62/265, A/62/280, A/62/286-289, A/62/293, A/62/298, A/62/304 and A/62//317; A/C.3/62/3)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/62/213, A/62/223, A/62/263, A/62/264, A/62/275, A/62/313, A/62/318, A/62/354 and A/62/498; A/C.3/62/41)

(e) Convention on the Rights of Persons with Disabilities (*continued*) (A/62/230)

30. **Ms. Samar** (Special Rapporteur on the situation of human rights in the Sudan) introduced her report (A/62/354), specifying the dates of her visit and the places she had visited and thanking the parties concerned for their cooperation. The protection of human rights in the Sudan continued to be an enormous challenge, and many of the concerns highlighted in the previous year's report remained the same. Despite some progress on the political front, human rights violations continued throughout the country. She drew attention to the conclusions set forth in paragraphs 81 to 86 of the report and reiterated the recommendations in paragraph 87. In conclusion, she said that it was the responsibility of all Member States to help the people of the Sudan to achieve sustainable peace. Peace would not be sustainable without accountability, justice and respect for human rights.

31. **Mr. Mohamad** (Sudan), after thanking the Special Rapporteur on the situation of human rights in the Sudan, reiterated that his Government had cooperated throughout the four visits she had paid to the Sudan since the beginning of her mandate, the last visit having been in July 2007. His Government was eager to honour its responsibilities and commitments and, as noted in the report, complied with the human rights instruments to which it had acceded. That approach was in keeping with a culture, civilization and religious heritage that put the dignity of mankind and human rights in first place.

32. His delegation wished to make some observations on the report of the Special Rapporteur. To begin with, the Sudan had undertaken to harmonize the provisions of the human rights instruments with its domestic legislation and had implemented policies and plans to translate them into reality. A dialogue was under way among the competent parties to expedite the Sudan's ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women.

33. As to the national framework and national institutions and reform, the Sudan had begun to harmonize its legislation and its Constitution with international human rights norms. Thus, the Ministry of Justice had initiated the necessary coordination for the adoption in 2007 of a law on political parties,

providing for the freedom to constitute parties, and the adoption in 2007 of a law on the civil service, guaranteeing women's right to employment and equal pay, as well as maternity leave. Other draft legislation was being studied, including a law on the human rights commission and an electoral law, concerning which consultations were being held with all political parties and movements.

34. An entire chapter of the draft law on the armed forces, which had been approved by the Cabinet and submitted to Parliament, dealt with the principles of international humanitarian law, including the protection of civilians. The draft text provided for individuals to be held criminally liable in cases of violations and for perpetrators to be tried before a court of law. A draft law on the police had also been approved by the Cabinet, and another draft law, on the security forces, would soon be approved; both texts should be enacted in the near future. The National Constitutional Review Commission expected to hold broad consultations on the new electoral law with women's representatives in all sectors and would like to earmark 25 per cent of constituencies for women. The 2007 law on political parties allowed political parties to conduct activities, even if they were not officially registered. It exempted historical parties from registration, although not new parties. The draft law on the human rights commission had been prepared in conformity with the Paris Principles and stipulated that the commission should have an independent budget. The draft would be the subject of broad consultations and would soon be submitted to Parliament.

35. The criminal law banned torturing the accused or meting out severe treatment to obtain confessions by force. In July 2007, the Director General of the Police had issued orders on the treatment of detainees or prisoners, prohibiting detentions except in prisons and providing for notification of families. Emphasis had been placed on the need to lift the immunity of members of the police when the allegations against them were justified and required them to be brought to trial.

36. Since signing the Comprehensive Peace Agreement on 9 January 2007, the Sudan had made progress towards building peace, achieving development, expanding political participation and respecting fundamental rights and liberties, as well as the distribution of power and wealth. The Sudan had the necessary political will to implement the Comprehensive Peace Agreement and to fulfil all obligations emanating therefrom.

37. The Eastern Sudan Peace Agreement, which reflected the wishes of the population, was being implemented in accordance with the provisions set forth in the text, under the supervision of the Supreme Council headed by the Vice-President and with the participation of members of the Government. As far as security arrangements were concerned, the Government was taking steps to absorb the Eastern Front forces into the army, police and security forces. The Eastern Reconstruction Fund had earmarked US$ 600 million for development projects in the three eastern provinces. The Government of the Sudan was surprised at the Special Rapporteur's unwarranted criticism and questioning of the Eastern Sudan Peace Agreement, which enjoyed international and regional support and had made it possible to restore security, stability and peace to the entire region.

38. In the case of the populations in the vicinity of the Merowe and Kajbar dam projects, which were both of strategic importance, the Special Rapporteur had referred to the suffering caused by their evacuation, but she had not visited the Merowe area to establish that finding or the new sites to which the population had moved. Her report was therefore unrealistic and contained inaccurate information that did not serve the cause of human rights. The economic, environmental and social aspects of the nearly completed Merowe dam project had been studied by experts of world renown. International and national agencies had helped determine the amount of compensation to be granted, in consultation with the local people, who had received the payments in kind and in cash and had moved voluntarily to the new site. The Government had not brought any pressure to bear on the limited few who had wanted to stay. The Merowe dam project had made a great difference in the life of the inhabitants, who now had housing, health and educational services and access to water, as well as much more agricultural land. The advantages also extended to the northern provinces, which were able to irrigate their land and be connected to the electric grid.

39. The information in the report concerning the Kajbar dam project was inaccurate, as the project was still being studied. For political reasons, some residents had made illegal attempts to stand in its way, which had driven the police to intervene. The local inhabitants themselves were behind the Kajbar dam

project. However, the company which they had established in the early 1990s had not secured the necessary funding, prompting the Government to intervene in the light of the future social and economic advantages. The Merowe and Kajbar dams benefited the residents of the region by providing them with decent housing, health care, education and food.

40. His Government was cooperating closely with the Group of Experts on Darfur responsible for monitoring the implementation of earlier resolutions on the human rights situation in Darfur, which would be submitting its final report in December 2007. The Government was updating it on its activities and had the necessary political will to implement all the recommendations by that date.

41. In the area of justice and equality, there was a need to complete the investigation into the incidents which had occurred in Bulbul, Gereida, Deribat and Buram and to prosecute the perpetrators of serious human rights violations, especially persons who had committed acts of violence against women.

42. Resolved to facilitate humanitarian work in the three administrative units of Darfur, on 28 March 2007 the Government and the United Nations on Facilitation of Humanitarian Activities in Darfur had signed a Joint Communiqué to protect relief operations from attacks by armed rebel groups. The Government was endeavouring to protect civilians and ensure justice and stability, thereby enabling 272,696 internally displaced persons to return voluntarily to their villages of origin.

43. The statement in the Special Rapporteur's interim report that justice was not completely out of reach in Darfur and that State agents had been tried and prosecuted for human rights abuses demonstrated the Sudanese justice system's independence and integrity. With regard to the lack of cooperation with the International Criminal Court, the Government's position was clear and would not change: the Court had no jurisdiction over the Sudan given that the Government had not ratified the Rome Statute. The national judicial system was empowered to prosecute offenders.

44. Recently, an affiliate of the French organization l'Arche de Zoé, which had been working under the name "Children Rescue", had attempted to smuggle more than 100 children from Darfur through Chad to Western countries on the pretext that they were orphans and should be adopted. The organization practised human trafficking, which constituted a blatant violation of international law, human rights, the Convention on the Rights of the Child and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. His delegation condemned those schemes, called on the international community to do likewise and hoped that the French Government would take the appropriate measures. The Sudanese Government expressed its appreciation to Chad for its assistance in thwarting the human trafficking attempt and arresting the persons responsible.

45. The Special Rapporteur had made sweeping generalizations about the situation. She had been misled and was trying to extend her mandate by referring to the situation in eastern Sudan. His delegation therefore believed that it was necessary to terminate her mandate to avoid any disruption of the work being done by the Group of Experts over which she was presiding, which was receiving the full cooperation of the Sudanese Government. The Sudan was committed to continuing its cooperation with the relevant human rights machinery and expected similar cooperation in return. It hoped that the appropriate bodies would fulfil their obligations objectively and impartially and achieve the goals set forth in the peace agreements.

46. **Mr. Queiros** (Portugal), speaking on behalf of the European Union, said that the European Union continued to follow closely the situation in Darfur, where gross and systematic human rights violations persisted. It was looking forward to the deployment of the African Union-United Nations Hybrid Operation in Darfur on the ground, where hostilities had intensified in recent weeks. Human rights violations occurring elsewhere in the Sudan, including repression of demonstrations, arbitrary detentions, torture and curtailment of freedom of the press, could not be ignored. He would like to know whether the Special Rapporteur had made any assessments of the implementation of the recommendations put forward to the Sudanese Government concerning those violations. He would appreciate clarification on any measures to end the ongoing violation of the rights of women, who continued to be raped, and the culture of impunity, which were matters of concern. The European Union was particularly disturbed by the appointment of an individual who had been indicted by the International Criminal Court for war crimes to preside over a national human rights committee. Concerning Darfur,

where gross and systematic human rights violations persisted, he asked the Special Rapporteur whether she had any updated information on the status of implementation by the Sudanese Government of the recommendations identified by the Group of Experts.

47. **Mr. Rees** (United States of America) said that he shared the Special Rapporteur's concerns and was pleased to see reporting on the situation in eastern Sudan, an area on which there was limited information. The report would have benefited from more details on the implementation of the Joint Communiqué between the Government of Sudan and the United Nations on Facilitation of Humanitarian Activities in Darfur. The Sudan continued to impede humanitarian operations in Darfur. He therefore asked the Special Rapporteur for her views on how the Sudanese Government and the United Nations could better implement the Communiqué. He would also like more detail on the status of implementation of the Comprehensive Peace Agreement. The United States Government was deeply concerned about the escalating violence and continued attacks on the civilian population, which had resulted in massive displacement, hindered the delivery of humanitarian services to Darfur and threatened the peace process. It supported the Security Council's willingness to take robust action against any party which undermined the Joint Communiqué and reiterated its commitment to working with the Special Rapporteur and the international community to resolve the crisis.

48. **Mr. Ke** Yousheng (China) commended the constructive efforts made by the Sudanese Government to work closely with the Group of Experts and implement its recommendations. Noting the recent progress made in the peace negotiations on Darfur, his Government hoped that they would produce positive results. At the second international meeting on the situation in Darfur, held in Tripoli, where all parties to the conflict were called on to reach a peace agreement, progress had also been made on the joint African Union/United Nations road map. China welcomed the adoption of Security Council resolution 1769 (2007), which had authorized the African Union-United Nations Hybrid Operation in Darfur. The international community should seize that opportunity and support the efforts made within that framework by the African Union, the United Nations and the Sudanese Government to resolve the crisis in Darfur. Concerning stability, security, political progress, humanitarian assistance and social and economic development, the Sudan must be helped to find a sustainable, gradual and comprehensive solution to improve the living conditions of the local communities and eliminate the causes of the conflict.

49. **Mr. Sergiwa** (Libyan Arab Jamahiriya) said that the report had shown that some progress had been achieved during the reporting period. The Sudan had ratified a number of international human rights instruments and cooperated with the Special Rapporteur. Recently, the Sudanese Government had adopted a positive attitude, including through its participation in the international meeting currently taking place in the Libyan Arab Jamahiriya and unilateral ceasefire declaration. He hoped that the Special Rapporteur would continue to cooperate with the Government of National Unity to improve the situation throughout the country and ensure that humanitarian assistance reached Darfur and other areas.

50. **Ms. Paquet** (Canada) said that the conclusions of the report justified the extension of the Special Rapporteur's mandate. She wondered what role international partners should play given the deteriorating situation in the Sudan. Noting with particular concern the present culture of impunity in the country, she would like to know what steps could be taken by the international community to encourage the Sudanese Government to cooperate with the International Criminal Court.

51. **Ms. Halabi** (Syrian Arab Republic) welcomed the tangible progress achieved through tireless and commendable effort in the Sudan in the very short period of time since the signing of the Comprehensive Peace Agreement and the establishment of the Government of National Unity. Rather than hurling criticisms and accusations of human rights violations, pressure should be exerted on the rebel groups to encourage them to go to Libya and continue peace negotiations. The cases of arrest and detention mentioned by the Special Rapporteur were linked to a concern to parry any threat to national sovereignty; the media tended to exaggerate the facts and did not faithfully report the realities on the ground. In any case, a mechanism should be established that would enable the Sudanese Government to be given the assistance it needed to overcome its economic and social difficulties.

52. **Ms. Pérez Álvarez** (Cuba) welcomed the Sudanese Government's efforts to establish peace and security, as reflected in the positive results already achieved. Her Government looked forward to the outcome of the current negotiations and of the action of the hybrid force recently set up. The Cuban delegation wished to know what role could be played by the international community and the United Nations system in helping to settle the economic and social difficulties and ensuring the general well-being of the Sudanese population in order to promote the right to development and eliminate poverty.

53. **Mr. Abdelaziz** (Egypt) said that dealings with all the parties mentioned in the report should be far more balanced. The commitments required from the Government of National Unity, the leaders of the Eastern Front, the Government of Southern Sudan and the international community were not the same; they should be reviewed and standardized. The only element welcomed by the Special Rapporteur seemed to be Security Council resolution 1769 (2007), adopted following the failure of efforts to implement the previous resolution, which had been hampered by the Sudanese Government's lack of agreement to the deployment of a force. That failure was to be laid at the door not of the Sudanese Government but of those who had wanted to have the draft resolution adopted in the Council without obtaining the Government's agreement. The peace treaty should be widened to include all the rebel factions. It was already clear from the meeting held in Tripoli on 28 October that some factions did not want peace, and his delegation welcomed the statement by the President of the Security Council on 24 October (S/PRST/2007/41), raising the possibility of sanctions against those factions in the event of their failing to support a peace treaty. Without such a treaty and without the support of the opposing forces, the situation could only grow worse. Because of that situation, economic, social and cultural rights were advancing at an extremely slow pace, as was noted in paragraph 86 of the report. The Sudanese Government needed considerable assistance to achieve its goals, otherwise the situation would become more complicated.

54. **Ms. Samar** (Special Rapporteur on the situation of human rights in the Sudan) again thanked the Sudanese Government for its cooperation. She was attached to her mandate as Special Rapporteur not out of personal interest but for the sake of the Sudan. The question of human rights raised by the European Union was not confined to the Sudan but was also a concern in most of the developing countries, which did not see it as a top priority. The National Congress Party and the Sudan People's Liberation Movement were constantly being urged to respect the Comprehensive Peace Agreement and the national Constitution as well as the Southern Sudan Constitution. To that end, the international community must give substantial support to the Government of National Unity and to the Government of Southern Sudan so as to help them overcome the difficulties before them. The Sudanese Government had been requested to provide the Group of Experts with information no later than 26 October 2007, in order to enable it to draw up its report, but had announced that it would submit a report on 9 November. Although encouraging steps had been taken by the Sudanese Government, the situation on the ground had hardly changed. With regard to the Joint Communiqué from the Sudanese Government and the United Nations on the Facilitation of Humanitarian Activities in Darfur, referred to by the United States delegation, there had been some progress in the issuing of visas and in respect of customs procedures; however, travel by humanitarian agency personnel was still restricted. She pointed out that the question of the Comprehensive Peace Agreement was addressed in her report and stressed the importance of law reform in the Sudan for improving the human rights situation. She agreed with the representative of China that the engagement of the international community would be helpful in that regard, as for any country torn by conflict, and assured the representative of Canada that the human rights situation in the Sudan was a cause for concern to each member of the international community, which was duty-bound to come to the help of all human beings, wherever they might be. She again called on all the parties to cease hostilities and lay down their arms, engage in dialogue and not sacrifice the Sudanese people to their personal or political ambitions. She joined the representative of Egypt in acknowledging that all the parties had violated human rights and noted that if the money used to finance the conflict was invested in the country's development, the peace process would gain.

55. **Mr. Mohamad** (Sudan), while appreciating the solidarity shown by Member States, reminded some, including the United States of America, the European Union countries and Canada, that they were ill-advised to hurl accusations at other countries. Nobody was

unaware that the Sudan cooperated with mechanisms for the defence of human rights, and all its efforts, in particular its participation in the meeting held in Lebanon and its adoption of the ceasefire declaration, attested to its desire to achieve stability and peace. The United States of America, the European Union and Canada, whose political motives were known, should condemn the lack of participation of some groups and should also speak out against the child trafficking in which a French non-governmental organization had engaged. The Government and people of the Sudan remained attached to the promotion of peace and human rights throughout the country.

56. **The Chairman** announced that the Chairperson-Rapporteur of the Working Group on the Right to Development having been unable, for reasons of health, to introduce his report in person, the Committee had authorized a representative of the Office of the High Commissioner for Human Rights to read out his statement.

57. **Mr. Mbaidjol** (Director of the New York Office of the Office of the High Commissioner for Human Rights), speaking on behalf of Mr. Sengupta, Chairperson-Rapporteur of the Working Group on the Right to Development, introduced the report on the action of the Working Group and the measures taken by the High-level Task Force and the Working Group in the previous year (A/62/183). In 2006, the Working Group had established a set of criteria for the periodic evaluation of global development partnerships from the perspective of the right to development and had recommended that those criteria should be applied on a pilot basis to three selected development partnerships, namely, the African Peer Review Mechanism, the Mutual Review of Development Effectiveness, set up in the context of the New Partnership for Africa's Development by the Economic Commission for Africa and the Development Assistance Committee of the Organization for Economic Cooperation and Development, and the Paris Declaration on Aid Effectiveness. At its eighth session, held from 26 February to 2 March 2007, the Working Group had recommended the addition of the Cotonou Partnership Agreement between the European Union and African, Caribbean and Pacific countries; it had also adopted a workplan for the implementation of its conclusions and recommendations in three phases. The Task Force had been requested, in phase I, in 2007, to study more deeply the initial three partnerships and to start assessing the Cotonou Partnership Agreement; in phase II, in 2008, to study additional partnerships and analyse thematic issues of international cooperation under Millennium Development Goal 8; and in phase III, in 2009, to consolidate its findings, revise the list of development criteria and make suggestions for further work. That very promising and pragmatic approach to development had been supported by the Human Rights Council which, at its fourth session, in April 2007, had decided that the criteria for the periodic evaluation of partnerships would be applied, by no later than 2009, to other components of Millennium Development Goal 8.

58. The Task Force had been supported by the Office of the High Commissioner in implementing the recommendations set out in the workplan. During phase I, it had been in constant dialogue with partnership secretariats and had begun studying the Cotonou Partnership Agreement. It had carried out three missions, the first to deepen dialogue with the Organization for Economic Cooperation and Development, the second to meet partners to the Cotonou Agreement, and the third to meet representatives of the Economic Commission for Africa. The Task Force would meet again in January 2008 to discuss phase II of the workplan and make recommendations to the Working Group.

59. The pragmatic approach adopted had given clear goals to action to advance the right to development and had strengthened the principle of responsibility. A large number of issues remained, which the evaluation criteria would cover, in particular that of the responsibilities of the various partners. It should be decided in that connection whether the right to development would be better served by binding instruments or by other means, such as voluntary codes of conduct. He noted, lastly, that the right to development called not for a debate on principles or logic but for the design and implementation of policies through a process of consensus.

60. **Ms. Pérez Álvarez** (Cuba) reaffirmed her Government's desire to contribute to the mainstreaming of the right to development within the United Nations system. It was essential that the Office of the High Commissioner for Human Rights should continue its activities in accordance with the criteria set by the Human Rights Council and those previously formulated in the decisions of the Commission on Human Rights. Cuba subscribed to all the criteria

established by the Working Group for the periodic evaluation of global development partnerships and welcomed the establishment of additional partnerships under Millennium Development Goal 8. As current Chair of the Non-Aligned Movement, Cuba would submit a draft resolution on the right to development; negotiations thereon were expected to continue through the week.

61. **Ms. Sutikno** (Indonesia) wished to know how the Office of the High Commissioner for Human Rights, particularly the Working Group on the Right to Development, could contribute to more rapid enjoyment of that right.

62. **The Chairman** suggested that, in view of the lateness of the hour, a written reply should be communicated to Indonesia.

Statements made in exercise of the right of reply

63. **Mr. Al-Shami** (Yemen) expressed surprise that the representative of Portugal, in his earlier statement on behalf of the European Union (see A/C.3/62/SR.22), had raised the question of the rights of human rights defenders in Yemen. Not only were the allegations unfounded, but in countries of the European Union many human rights violations were committed against religious minorities, particularly Muslims, and other minorities from developing countries. Since the reunification of Yemen in 1990, there had been major changes, which made it possible to ensure the promotion and protection of human rights. While the question of Yemen was no longer on the Committee's agenda, his country was always willing to receive Special Rapporteurs and human rights organizations, which could in particular examine the prison situation in the country on a fully transparent basis. Freedom of expression and of thought was a cornerstone of the political regime. There was not a single political prisoner in the country, and only persons who had committed criminal offences were still held in prison. His delegation therefore regretted the thrust of Portugal's statement and called on representatives to see to it that the information they presented was true.

64. **Mr. Chernenko** (Russian Federation) said that his country had also been a target of unfounded allegations by the representative of Portugal. A number of Western countries, including members of the European Union, had not been mentioned although very serious human rights violations continued to be committed in them. The representative of Portugal could have referred to the cruel measures taken in the name of the fight against terrorism, or the existence of secret prisons in several countries of the European Union. Discrimination against migrants, trafficking in human beings and the violation of the rights of ethnic minorities were just some of the violations committed in those countries, not to mention the resurgence of Nazism, xenophobia, racism or the insulting of religions. The approach taken by the European Union, which should concern itself first and foremost with the situation in its member States, undermined any trust in the universality of democratic values and standards established for all countries.

65. **Mr. Desta** (Eritrea) recalled that his country was a party to most international human rights conventions and that their provisions had been incorporated into its national legislation, including a recent prohibition of the practice of female genital mutilation. Emerging from a war, and itself a victim of flagrant violations for decades, Eritrea knew the importance of respect for fundamental freedoms and human rights. His Government sought to ensure full compliance with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in particular, and all Eritreans enjoyed religious freedom. Small extremist groups financed by secret foreign funds, which had been proliferating in the past seven or eight years, invoked their religious convictions as a reason for refusing to comply with the national service obligation. However, a national law made national service compulsory for all citizens without discrimination and allowed no exception on religious grounds.

66. **Mr. Fieschi** (France) said he wished to fill in delegates on the position of the French Government in the Arche de Zoé case. Upon being informed, the Ministry of Foreign and European Affairs, through its spokesperson, had denounced the way in which the operation had been organized. The President of the French Republic, who had since talked with his Chadian counterpart, President Idriss Deby, had on that occasion condemned the operation, which he had called "illegal and unacceptable". The Minister for Foreign and European Affairs, Mr. Kouchner, had immediately mobilized the French Embassy in N'Djamena and had decided to set up a crisis unit within the Ministry. Representatives of the United Nations Children's Fund, the Office of the High

Commissioner for Refugees and the International Committee of the Red Cross had been contacted on the spot in Chad to check on the welfare and health of the children, and a team from the Ministry, including a doctor, had been dispatched to the country. As for the French citizens responsible for the operation, who had been arrested in Chad, the French Ambassador to Chad, Mr. Bruno Foucher, had stated that they would be held accountable in Chad for their acts. The Paris Prosecutor's Office, for its part, had decided to open an investigation in order to ascertain whether there was any need for further legal action within French territory.

The meeting rose at 6.15 p.m.